

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vincent J. Coates  
Assignee: Nanometrics Incorporated  
Title: METHOD FOR DETERMINING ABSOLUTE REFLECTANCE OF A  
MATERIAL IN THE ULTRAVIOLET RANGE  
Serial No.: 08/111,298 Filed: 08/23/93  
Examiner: D. Dunn Group Art Unit: 2506  
Attorney Docket No.: 8196R

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Fremont, California  
March 28, 1994

COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D. C. 20231

DECLARATION

Sir:

The undersigned, Warren Lin, declares as follows:

- 1) I am currently the President of Mission Peak Optics Inc. I am the former Vice-President, Optical Engineering of Nanometrics Incorporated of Sunnyvale, California.
- 2) I am graduate of National Taiwan University in 1968 holding a degree in B.S. Zoology. I also have done post-graduate work at University of Wisconsin holding a degree of M.S. E.E. and M.S. Physiology granted in 1975.
- 3) I was employed at Nanometrics for 9 1/2 years serving from June 1990 to January 1994 as a Vice-President. I have a total of 20 years experience as an optical engineer and in Optics management.
- 4) On or about April/May 1993, I was asked by Mr. Vincent Coates, Chief Executive Officer of Nanometrics to review U.S. Patent 5,045,704 and to consider the relevancy of various prior art references furnished to Nanometrics by a San Francisco law firm, Limbach and Limbach.
- 5) During my review of the patent, I immediately noted several obvious inconsistencies and obvious errors in the patent, primarily an inconsistency in the Abstract, line 2,

with respect to Col. 1, lines 34-35; a reversed ratio definition of "reflectance" (Col. 1, line 15); an absence of "index of refraction" on Column 1, line 40; a technically confusing use of "coefficients" (plural) on Col. 1, line 43; the use of the word or sign for "multiply" or "multiplication" rather than "divide" or "division" in Col. 1, lines 46-47, in Col. 2, line 50; in Equation (2) at Col. 2, line 53; in Col. 3, line 4; and in Claim 2, line 2; the use of "frequencies" rather than "wavelengths" Col. 2, line 25; the non-sensical "measure the measured" expression Col. 2, line 48; and the incorrect use of  $Z \lambda$  in Equation (2) as a numerator rather than as a denominator Col. 2, line 53. I also noticed this latter obvious error in the first word of the lower block of Fig. 2.

6. Each of the errors enumerated above are errors which were very apparent to me. I easily knew what the error was and what its correction should be. I believe that such errors would be apparent to any person of ordinary skill in the optics art and that such person would know what the correction should be.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: March 28, 1994

Respectfully submitted,

Warren Lin  
Signature

WARREN LIN  
(type or print name)

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